



Order Filed on January 26,
2018 by Clerk, U.S. Bankruptcy
Court - District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Margarita Cespedes,
Debtor.

Case No.: 17-30633-SLM

Chapter: 13

Hearing Date: January 24, 2018

Judge: Stacey L. Meisel

ORDER DENYING MOTION WITHOUT PREJUDICE

The relief set forth on the following pages, numbered two (2) through 2 is
ORDERED.

DATED: January 26, 2018


Honorable Stacey L. Meisel
United States Bankruptcy Judge

Page 2 of 2

Debtor: Margarita Cespedes

Case No.: 17-30633-SLM

Caption of Order: Order Denying Motion Without Prejudice

THIS MATTER having been brought before the Court on a *Amended Motion to Reinstate the Case and Grant In Rem Relief from Stay* (Docket No. 19) (“**Motion**”) by Creditor CIT Bank, N.A., fka OneWest Bank, N.A., fka OneWest Bank, FSB, by and through its counsel, Brian C. Nicholas, Esq., this Court finds:

WHEREAS the Motion is deficient for the following reason(s):

☐ **Failure to use required Local Forms.** *See* D.N.J. LBR 9009-1.

☒ **Failure to follow the requirements of Local Rule 9013-1, specifically:**

☐ **Failure to submit a notice of motion stating the date, time, and place of the hearing.** *See* D.N.J. LBR 9013-1(a)(1).

☒ **Failure to submit a certification containing the facts supporting the relief requested in compliance with D.N.J. LBR 7007-1.** *See* D.N.J. LBR 9013-1(a)(2).

☒ **Failure to submit a memorandum of law stating the legal basis for the relief requested, or a statement why a memorandum of law is unnecessary.** *See* D.N.J. LBR 9013-1(a)(3).

☐ **Failure to submit a proposed form of order.** *See* D.N.J. LBR 9013-4.

☐ **Failure to file a certification of service.** *See* D.N.J. LBR 9013-1(a)(5) and Local Form.

☐ **Failure to effectuate proper service.** *See* D.N.J. LBR 5005-1, Fed. R. Bankr. P. 9014, and Fed. R. Bankr. P. 7004 as well as the Register of Governmental Units available on the Court’s website. Specifically, Movant failed to serve the subject creditor at the address listed on the Proof of Claim for receipt of notices pursuant to Fed. R. Bankr. P. 3007.

☐ **Other:**

It is hereby

ORDERED that the Motion is DENIED, without prejudice.

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
District of New Jersey

In re:
Margarita Cespedes
Debtor

Case No. 17-30633-SLM
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 26, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 28, 2018.

db +Margarita Cespedes, 509 North 5th Street, Harrison, NJ 07029-1203

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 28, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 26, 2018 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor CIT Bank, N.A., fka OneWest Bank, N.A., fka OneWest Bank, FSB bnicholas@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Rebecca Ann Solarz on behalf of Creditor CIT Bank, N.A., fka OneWest Bank, N.A., fka OneWest Bank, FSB rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4